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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

CARLOS VALENTIN TOGUAL-  
LOBOS,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-71294

Agency No. A73-867-425

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted January 9, 2006\*\*

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Carlos Valentin Togual-Lobos, a native and citizen of Guatemala, petitions pro se for review of the Board of Immigration Appeals' ("BIA") summary affirmance without opinion of an immigration judge's ("IJ") removal order. We

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

have jurisdiction pursuant to 8 U.S.C. § 1252, *Parrilla v. Gonzales*, 414 F.3d 1038, 1040 (9th Cir. 2005), and deny the petition for review.

Togual-Lobos does not contest the IJ's determination that his 1997 conviction for corporal injury on a spouse in violation of California Penal Code § 273.5 constitutes a crime of moral turpitude. The conviction renders him ineligible for cancellation of removal pursuant to 8 U.S.C. § 1229b(b)(1)(C). The IJ did not rely on Togual-Lobos's subsequent battery conviction in making this determination.

We need not address Togual-Lobos's challenge to the IJ's alternative holding that he would deny the application for relief as a matter of discretion. Moreover, contrary to Togual-Lobos's representations, the IJ did not make an adverse hardship determination.

Togual-Lobos's due process challenge to the BIA's streamlining procedure is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 852 (9th Cir. 2003).

Togual-Lobos's remaining contentions also lack merit.

**PETITION FOR REVIEW DENIED.**